

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.7006 OF 2016

(Mohan s/o Bhauraoji Ingole
vs.
The Collector, Amravati and others)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri A.J. Kadu, Advocate for the Petitioner.
Shri A.M. Balpande, A.G.P. for Respondent Nos.1 to 3 & 5.
Shri N.A. Gawande, Advocate for Respondent No.4.

CORAM : KUM. INDIRA JAIN, J.
DATE : 31st JULY, 2017.

Heard.

In view of judgment of this Court in **Bija s/o Maroti Hatwar vs. Kisan s/o Chirkut Padole & another - [2015 (1) Mh.L.J. 282]**, learned Counsel for petitioner submits that impugned order be set aside and permission to withdraw the petition with liberty to file revision before respondent no.1 be granted. Learned Counsel makes a statement that revision would be filed within two weeks and prays to continue interim relief till then.

In *Bija Maroti Hatwar's* case (*supra*), this Court has held that Section 23(2A) of the Mamlatdars' Courts Act does not authorize the Sub-Divisional Officer to exercise powers conferred by the Collector. Considering the scope of Section 23(2A) of the

Mamlatdars' Courts Act, this Court finds substance in the submission of the learned Counsel for petitioner. Hence, the following order:

1. Impugned order dated 24/10/2016 passed by respondent no.2 - Sub Divisional Officer, Chandur Railway, District Amravati in Revision No.MCA-5/Kothoda-01/2016-2017 is set aside.
2. Petition, being withdrawn, stands disposed of with liberty as prayed for.
3. Interim orders passed by this Court on 20/12/2016 to continue for a period of two weeks and shall cease to operate automatically thereafter.
4. No costs.

Civil Application [CAW] No.1622/2017 :

In view of withdrawal of writ petition, the application stands disposed of.

JUDGE

**sdw*